

Stephen M. Yeager (0011841)
Attorney for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
AT CINCINNATI
CIVIL ACTION NO. C-1-02-505**

MARY ANN DOPF	:	
Plaintiff	:	Judge Hogan
v.	:	<u>MOTION TO VACATE TRIAL</u>
FIFTH THIRD BANK, et al.	:	<u>DATE</u>
Defendants	:	

Now comes Defendant Timothy W. Franklin and Fifth Third Bank and hereby move this court for an order vacating the trial date of November 22, 2004. The trial date was recently established by the court with the cooperation of counsel. Counsel for defendant then wrote his client, Timothy W. Franklin, concerning the trial date. Mr. Franklin has historically traveled to Las Vegas the weekend before Thanksgiving either returning the Monday or Tuesday before Thanksgiving. Consequently, the defendant Timothy W. Franklin requests that the court vacate the trial date of November 22, 2004 and conduct a phone conference to reschedule a mutually convenient date as reasonably close to the November 26, 2004 as possible.

Respectfully submitted,

Of Counsel:

Patsfall, Yeager & Pflum, LLC
Attorneys for defendants

/s/ Stephen M. Yeager
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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of February, 2004 the foregoing was filed electronically with the Clerk of Court using the CM/ECFF system which will send notification to the following: Meredith L. Lawrence, Esq., **Attorney for Plaintiff**.

/s/ Stephen M. Yeager
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